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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,601	01/04/2001	Kenji Masaki	018775-813	1564
21839	7590	05/05/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			JACKSON, JENISE E	
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,601

Applicant(s)

MASAKI, KENJI

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2, 6, and 8, 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically, claims 2, 6, and 8, are rejected under 112 1st, for “a first data modifier for modifying data processed by the driver software that is to be output by the output device, provided on the data processing device”, a second data modifier provided on the output device that performs complementary modification on all data received at the output device, regardless of whether the received data has been modified by the first modifier, such that received data processed by the driver software is returned to its unmodified form and other received data remains modified”. The Examiner does not see disclosed a first or second modifier as claimed. In the specification on page 4, there is a disclosure of a first controller and second controller; however, there is no disclosure of a first and second modifier and modifying data.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 2, 6, and 8, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. More specifically, claims 2, 6, and 8, are rejected under 112 2nd, for “a first data modifier for modifying data processed by the driver software that is to be output by the output device, provided on the data processing device”, a second data modifier provided on the output device that performs complementary modification on all data received at the output device, regardless of whether the received data has been modified by the first modifier, such that received data processed by the driver software is returned to is unmodified form and other received data remains modified”. The Examiner does not see disclosed a first or second modifier as claimed. In the specification on page 4, there is a disclosure of a first controller and second controller; however, there is no disclosure of a first and second modifier and modifying data.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 2, 6, 8-9, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Francis et al(6,362,893).

7. As per claims 2, 8, Francis et al. discloses an output system(see fig. 2, sheet 2) having a data processing device and an output device for outputting data in a specific format(see col. 3, lines 34-37), which is sent from the data processing device, driver software for controlling the

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output device being included in the data processing device(see col. 4, lines 54-61), a first data modifier for modifying data processed by the driver software, provided on the data processing device, a second data modifier provided on the output device that performs complementary modification on all data received at the output device regardless of whether the received data has been modified by the first modifier, such that data processed by the driver software is returned to its unmodified form and other data remains modified(see col. 6, lines 5-41).

8. As per claim 6, Francis et al. discloses an output method used in an output system having a data processing device and an output device for outputting data in a specific format(see col. 3, lines 34-37), which is sent from the data processing device, modifying data processed by driver software included in the data processing device, on the data processing device side, performing complementary modification of data received at the output device side(see col. 6, lines 5-31), regardless of whether the data is received via the driver software, such that data processed by the driver software is returned to its unmodified form and other data remains modified(see col. 5, lines 31-41).

9. As per claim 9, Francis discloses storing a program run on a data processing device for sending data to an output device for outputting in a specific format, encrypting output data from an application program run on the data processing device, and outputting the encrypted data to the output device, wherein the encrypting step sets a specific password for output data from the application program(see col. 4, lines 21-49, col. 6, lines 5-41).

10. As per claim 11, wherein the specific password is applied to the encrypted data for transmission to the output device(see col. 8, lines 30-36).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3, 5, 7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi et al in view of Nagashima et al.

13. As per claims 1, 3, 5, 7, Kakiuchi et al. discloses an output system having a data processing device(see fig. 1, sheet 1, see col. 9, lines 30-39) and an output device for outputting data in a specific format, which is sent from the data processing device(see col. 4, lines 61-67, col. 5, line 1), driver software for controlling an output device being included in the data processing device(see col. 6, lines 38-43, col. 10, lines 34-45, col. 11, lines 24-42), and a first controller for determining whether data on output request passes the driver software, in sending data to the output device(see col. 4, lines 20-31, col. 9, lines 54-65, col. 10, lines 26-33, col. 12, lines 36-49). Kakiuchi et al. does not disclose and a second controller for prohibiting data from being sent to output device for output request on which data bypasses the driver software. However, Nagashima et al. does disclose a second controller(4) for prohibiting data from being sent to output device for output request on which data bypasses the driver software(see fig. 1, sheet 1, col. 3, lines 11-32, 50-65), because Nagashima discloses that the controller sends the data directly to the output device.

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14. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Kakiuchi with Nagashima that discloses a second controller for prohibiting data from being sent to output device for output request on which data bypasses the driver software, the motivation is that crimes of forging documents, such as paper monies or securities, is increasing (see col. 1, lines 16-20 of Nagashima). In order to prevent such crimes, an image identifying circuit identifies these registered data, to forcibly inhibiting illegal copying(see col. 1, lines 20-26 of Nagashima). Thus, the circuit of the external controller is able to prevent illegal copying on which data bypasses the driver software.

Response to Applicant

15. The Applicant states that Francis does not disclose a first and second modifier. The first data modifier of Francis is, the smartcard that is slid into the slot of the printer(see col. 3, lines 46-55). The insertion of the smartcard enables the output device to output data, the output device in Francis is the printer(see col. 3, lines 46-55). Secondly, the password has to be entered in order to output to the device, once the password is entered into the computer it will be passed through the printer memory indicated from driver software to the card(see col. 4, lines 16-20). Second data modifier, if the verification of the password, if the password that is entered is incorrect, printer is prohibited(see col. 6, lines 16-30).

16. The Applicant states that Francis does not disclose the encryption of data from an application program, and setting a password for such data. Francis discloses that the smartcard contains encoded data, and the password is also stored on the smartcard(see col. 8, lines 30-36).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

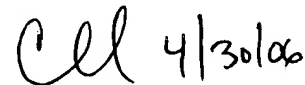
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 25, 2006

CHRISTOPHER REVA
PRIMARY EXAMINER



cel 4/30/06